

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.534/98

Thursday the 23rd day of April 1998.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

M.A. Karunakaran
S/o Anandan
Assistant Postmaster
Thodupuzha
R/o Moolakkatt House,
Thodupuzha.

...Applicant.

(By advocate Mr MR Rajendran Nair)

Versus

1. The Supdt. of Post Offices,
Idukki Division
Thodupuzha.
2. The Director of Postal Services
Central Region, Kochi.
3. Union of India, represented by
Secretary, Ministry of Communications,
Department of Post, New Delhi. ...Respondents.

(By advocate Mr KS Bahuleyan)

The application having been heard on 23rd April 1998, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

Applicant who claims to be the senior most BCR official was posted as Assistant Postmaster (General) Thodupuzha by an order dated 29.12.1995. While so, before he could complete the normal tenure, by an order dated 13.3.1998 issued by the first respondent, he was transferred as Sub Postmaster, Thodupuzha East. Aggrieved by this order of transfer, he made a representation to the second respondent on 16.3.98. While the representation submitted by the applicant (Annexure A-4) was pending, by impugned order dated 30.3.98 (Annexure A-1), the applicant has been transferred and posted as Sub Postmaster, Munnar which is 112 kms away from Thodupuzha.

Against this order, the applicant made a representation to the first respondent on 1.4.98 (Annexure A-5) which is still to be disposed of. Applicant states that his transfer out of Thodupuzha to Munnar is not warranted in public interest and is totally unsustainable for various reasons including that persons who had longer stay than him are being retained in the station and that his transfer from Thodupuzha where his experience on computer could be better utilised, does not in any way advance the public interest. He has also stated that while he has got only a short period to reach superannuation, his transfer to a distant place would bring upon him considerable hardship and dislocation of family life. With these allegations, the applicant has filed this application to have the impugned order quashed. Applicant has also prayed for an interim stay till the OA is disposed of.

2. Learned counsel for respondents had sought time to get instructions. When the case came up for hearing today, the counsel stated that he has been informed by first respondent that it would not be feasible to recall the order of transfer. However, learned counsel for applicant pleaded that the applicant may be allowed to make a representation to the second respondent of his grievances about the impugned order and the respondent be directed to take an appropriate decision within a short time keeping the operation of the impugned order in abeyance till then.

3. After hearing learned counsel on either side, we are of the considered view that this request is only reasonable.

In the result, the application is disposed of allowing the applicant to make a comprehensive representation in regard to his grievances about the transfer and posting to the second respondent within three days from today and with a direction to the second respondent that if such a representation is received, the same shall be considered by him on merits and an appropriate decision should be taken and communicated to the applicant within a period of 10 days from the date of receipt of the representation. We also direct that the applicant's transfer by the impugned order shall be kept in abeyance till a decision on the applicant's representation by the second respondent is served on the applicant. No order as to costs.

Dated 23rd April 1998.



(S.K. GHOSAL)
ADMINISTRATIVE MEMBER



(A.V. HARIDASAN)
VICE CHAIRMAN

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List of Annexures

1. Annexure-A1: Memo No.B1/15/Dig/VI dated 30.3.'98 issued by the 1st respondent.
2. Annexure-A4: The representation dated 16.3.'98 submitted by the applicant to the 2nd respondent.
3. Annexure-A5: The representation dated 1.4.'98 submitted by the applicant to the 1st respondent.

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